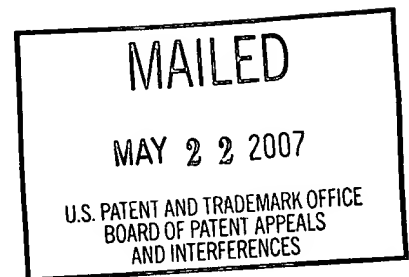


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER BOYLE

Application 09/716,146
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 7, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The USPTO received an Information Disclosure Statement (IDS) submitted by Appellant on September 11, 2006. It is clear from the record that the Examiner has not considered the IDS, nor has the Examiner notified Appellant as to why his submission did not meet the criteria set forth in 37 C.F.R. § 1.56, § 1.97, and § 1.98. Correction is required.

Further review reveals that a foreign document relied upon by the Examiner in her 35 U.S.C. § 102(b) rejection on appeal (cited on page 6 of the

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October 20, 2006, Examiner's Answer) was not located in the Image File Wrapper (IFW):

WO 94/18906

Monaco et al.

09-1994

It is necessary that the Examiner supply a copy of this reference and have it scanned into the electronic file before further processing of this appeal can ensue at the BPAI.

Correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to acknowledge the IDS received by the Office on September 11, 2006;
- 2) to notify Appellant of said written consideration of the IDS, have communication scanned into the IFW record;

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3) to supply a copy of the reference to Monaco et al. (WO 94/18906 issued 09-1994) for the official IFW record; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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PJN:hh

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